



PUBLIC NOTICE

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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DA 06-1884
September 19, 2006

**COMMENTS INVITED ON APPLICATION OF UNITED TELEPHONE
COMPANY OF EASTERN KANSAS D/B/A EMBARQ AND UNITED
TELEPHONE COMPANY OF KANSAS D/B/A EMBARQ TO DISCONTINUE
DOMESTIC TELECOMMUNICATIONS SERVICES**

WC Docket No. 06-178
Comp. Pol. File No. 764

Comments Due: October 4, 2006

Section 214 Application

Applicants: United Telephone Company of Eastern Kansas d/b/a Embarq and United Telephone Company of Kansas d/b/a Embarq

On August 30, 2006, United Telephone Company of Eastern Kansas d/b/a Embarq and United Telephone Company of Kansas d/b/a Embarq (collectively Embarq or Applicants), located at 5454 West 110th Street, Overland Park, Kansas 66211, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority to the extent necessary, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of certain telecommunications services within certain exchanges in the state of Kansas.¹

Embarq indicates that the Commission has already granted Embarq authority to transfer its local exchange assets within certain exchanges in Kansas to Rural Telephone Service Company, Inc.² Embarq states that it also provides certain intraLATA long distance services within these specified exchanges in the state of Kansas. Specifically, Embarq states that United Telephone Company of Eastern Kansas provides intraLATA long distance services in the Burr Oak, Courtland, Esbon, Ionia, Lebanon, Republic, and Webber exchanges, and that United Telephone Company of Kansas provides these services in the Downs, Luray, Osborne, Paradise and Russell exchanges. Embarq indicates that separate from its transfer of local exchange assets, it now seeks to discontinue the intraLATA long distance services that it

¹ This application was subsequently received in the Competition Policy Division of the Wireline Competition Bureau on September 14, 2006.

² See Wireline Competition Bureau Grants Consent for the Acquisition of Assets of United Telephone Company of Kansas and United Telephone Company of Eastern Kansas by Rural Telephone Service Company, Inc., Public Notice, WC Docket No. 06-80, 21 FCC Rcd 6275 (rel. June 1, 2006).

provides within the state of Kansas. Specifically, Embarq states that it wishes to discontinue intrastate long distance services in the affected exchanges on October 1, 2006, pending state and FCC regulatory approval. Embarq indicates that it provided notice via direct mail in accordance with the requirements of the Commission's rules on August 30, 2006. Finally, Embarq states that it is non-dominant with respect to the services it proposes to discontinue.

In accordance with section 63.71(c) of the Commission's rules, Embarq's application will be deemed to be automatically granted on the thirty-first (31st) day after the release date of this public notice, unless the Commission notifies Embarq that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), absent further Commission action, Embarq may terminate service to its affected customers on **October 20, 2006**. The Commission will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **October 4, 2006**. Such comments should refer to **WC Docket No. 06-178** and **Comp. Pol. File No. 764**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must send an original and four (4) copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C327,

Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon *the Applicants. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: Carmell Weathers.*

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), rodney.mcdonald@fcc.gov of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

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